

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, DECEMBER 6, 2000**

A. ROLL CALL

The Regular City Council meeting of December 6, 2000 was called to order by Mayor Mann at 7:02 p.m.

Present: Council Members – Hitchcock, Land, Nakanishi, Pennino and Mayor Mann

Absent: None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor David S. Hill, Grace Presbyterian Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

NOTE: Item D was taken out of order and heard following Item I.

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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Land, Pennino second, unanimously approved the following items hereinafter set forth:

- E-1 Claims were approved in the amount of 5,187,806.23.
- E-2 The minutes of October 4, 2000 (Regular Meeting), November 14, 2000 (Shirtsleeve Session), November 14, 2000 (Special Meeting), November 21, 2000 (Shirtsleeve Session), and November 21, 2000 (Special Meeting) were approved as written. In addition the minutes of November 15, 2000 (Regular Meeting) were approved as amended to include a correction to page 13; the date of "1998" was corrected to "1988" in Council Member Nakanishi's comments regarding Council benefits.
- E-3 Approved the plans and specifications for installation of utility conduits under the Woodbridge Irrigation District's canal and authorized advertisement for bids.
- E-4 Approved the specifications for one engineering printer for the Parks Division of the Parks and Recreation Department and authorized advertisement for bids.
- E-5 Adopted Resolution No. 2000-216 awarding the bid for the purchase of 384 electric watthour meters to the low bidder, General Pacific, Inc., of Portland, OR, in the amount of \$10,505.37.
- E-6 Adopted Resolution No. 2000-217 authorizing the purchase of four network integrated printers from the Xerox Corporation to replace the 10-year old copy machines currently used by the Police Department (pricing for the Xerox equipment will be under Los Angeles County's Purchase Agreement with Xerox).
- E-7 Adopted Resolution No. 2000-218 awarding the contract for Katzakian Park Improvements, 2735 West Turner Road, to Goodland Landscape Construction, Inc., of Livermore, in the amount of \$553,590.00; and appropriated funds in accordance with staff recommendation.

- E-8 Approved the final map for Lodi West, Unit No. 7, Tract No. 2964, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City.
- E-9 Adopted Resolution No. 2000-219 approving the Final Disadvantaged Business Enterprise (DBE) Program and Established Overall Annual DBE Goal of 8% for Federal Fiscal Year 2001, to facilitate timely submission to the California Department of Transportation (Caltrans) for funding authority approval, by January 1, 2001, on behalf of the City of Lodi.
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F. PUBLIC HEARINGS

None.

G. COMMUNICATIONS

- G-1 Claims filed against the City of Lodi – None
- G-2 Alcoholic Beverage Control License Applications – None
- G-3 The following report was presented to the City Council:
- a) Planning Commission report of November 8, 2000
- G-4 The following postings/appointments were made:
- a) The City Council, on motion of Council Member Hitchcock, Pennino second, unanimously made the following reappointments/appointments to various boards and commissions:
- Lodi Senior Citizens Commission
- |               |                                  |
|---------------|----------------------------------|
| Perry Schimke | Term to expire December 31, 2004 |
|---------------|----------------------------------|
- Parks and Recreation Commission
- |              |                                  |
|--------------|----------------------------------|
| Scott Davis  | Term to expire December 31, 2004 |
| Victor Schuh | Term to expire December 31, 2004 |
- Local Agency Formation Commission (LAFCO)
- |                       |                            |
|-----------------------|----------------------------|
| Keith Land, Alternate | Term to expire May 1, 2001 |
|-----------------------|----------------------------|
- G-5 Miscellaneous – None

H. REGULAR CALENDAR

None.

I. ORDINANCES

- I-1 Ordinance No. 1697 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Title 10 – Vehicles And Traffic By Repealing And Reenacting Section 10.52.050-(B) 'Parking Restrictions', To The Lodi Municipal Code Relating To Truck Parking" having been introduced at a regular meeting of the Lodi City Council held was brought up for passage on motion of Council Member Land, Nakanishi second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:
- Ayes: Council Members – Land, Nakanishi, Pennino and Mayor Mann  
Noes: Council Members – Hitchcock  
Absent: Council Members – None  
Abstain: Council Members – None

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 a) Mayor's Community Service Awards

Mayor Mann reported that Kenneth Boyd (who died in August of this year) was the President of the Lodi District Chamber of Commerce in 1975, President of the Lodi Board of Realtors in 1992, and a member of the Lodi Memorial Hospital Board of Directors for 12 years. He was instrumental in starting the Prayer Breakfast in Lodi over 20 years ago. Mr. Boyd was a founding member of the Lodi Union High School Site Foundation, which initiated the purchase of the property upon which Hutchins Street Square was built. He was a Deacon at First Baptist Church for 50 years and a Sunday School teacher for 30 years. In 1985 Mr. Boyd was a recipient of the Lodi Chamber of Commerce Citizen of the Year award, and was a long-time member of the Lodi Lions Club. Mayor Mann then presented the Mayor's Community Service Award to his wife, Jeannine Boyd.

Mayor Mann presented Community Service Awards to Dennis Cunningham and Dave Vaccareza for their participation in the Ad Hoc Skate Park Steering Committee and commended them for their generous contribution of time and guidance to the youth members on the committee. He commented that, due in large part to their efforts, the skate park will be built in Lodi.

D-2 Proclamations – None.

D-3 a) Veterans Day Ground Breaking Celebration American Flag Drawing by Mayor Steve Mann

Community Promotions Coordinator Haynes spoke on behalf of the Lodi Area Veterans Plaza Ad Hoc Committee. She reported that a flag donated by Peter Knight from A & W Rootbeer was flown over the U.S. Capital in honor of Lodi's Veterans Day Parade and groundbreaking event. Raffle tickets for the flag were given out on November 11. Mayor Mann drew the winning raffle ticket belonging to Mary Strickland. Ms. Haynes noted that \$10,000 has now been raised toward the Veterans Plaza.

J. REORGANIZATION OF THE CITY COUNCIL

J-1 "Resolution certifying the election results of the November 7, 2000 General Municipal Election"

City Clerk Blackston reported that the San Joaquin County Registrar of Voters' office completed its official canvass of the November 7, 2000 City of Lodi General Municipal Election and have submitted the Certificate of Results, which she read into the record as follows:

Keith Land	8,778	27.6%
Emily Howard	8,716	27.4%
Bob Johnson	7,473	23.5%
Stephen J. Mann	6,830	21.5%

MOTION / VOTE:

The City Council, on motion of Council Member Land, Nakanishi second, unanimously adopted Resolution No. 2000-220, entitled, "A Resolution Of The City Council Of The City Of Lodi, California, Reciting The Fact Of The General Municipal Election Held On November 7, 2000, Declaring The Result And Such Other Matters As Provided By Law".

J-2 "City Clerk to administer the Oath of Office to Lodi City Council Members Elect and present Certificates of Election"

City Clerk Blackston called forth Council Members Elect Land and Howard and administered the Oath of Office. A framed Certificate of Election was presented to each, and the newly-elected Council Members took their places at the Council table.

J-3 "Reorganization of the Lodi City Council:

a) Election of Mayor

MOTION / VOTE:

City Clerk Blackston opened the nominations for the office of Mayor. Council Member Land made a motion, Pennino second, to nominate Alan Nakanishi to the office of Mayor. There being no further nominations, the City Clerk declared the nominations closed. The motion carried unanimously.

City Clerk Blackston congratulated newly-elected Mayor Nakanishi, and passed the gavel to him to conduct the election for the office of Mayor Pro Tempore.

b) Election of Mayor Pro Tempore

MOTION:

Mayor Nakanishi opened the nominations for the office of Mayor Pro Tempore. Council Member Land made a motion, Nakanishi second, to nominate Phillip Pennino to the office of Mayor Pro Tempore.

DISCUSSION:

Council Member Howard encouraged the Council to consider the fact that Council Member Pennino has already had an opportunity to serve as Mayor Pro Tempore. She indicated that the tradition in the past has been to allow an opportunity to those who have not yet served in the position.

Council Member Hitchcock urged the Council to make the selection of Mayor Pro Tempore on a non-political basis. She stated that the title of Mayor and Mayor Pro Tempore are "honorary titles" and should be rotated equally among Council Members. Ms. Hitchcock felt that in using the past rotation basis, it would now be her turn to serve as Mayor Pro Tempore with Council Member Howard filling the position the next year.

Council Member Pennino announced that he will not be running for another term on the City Council and would like to serve as Mayor during his last year in office.

Mayor Nakanishi stated that a mayor should be fair, have no personal agenda, provide policy and leadership, represent the City Council fairly, and have a good working relationship with the City Manager. Mayor Nakanishi explained that after review of the past protocol and discussion with previous Mayor Snider, he concluded that he had been selected to serve as Mayor Pro Tempore last year because he had the highest number of votes in the 1998 Municipal Election. Council Member Pennino had the next highest number of votes in that election. He read from a memorandum entitled "Executive Summary" (*filed*) which outlined his forecast of future Mayoral elections as follows: If Council Member Hitchcock successfully runs for a second term, she would be entitled to serve as Mayor in 2002, next would be Council Member Land, and following that, Council Member Howard.

Council Member Hitchcock countered that the rotation as indicated on the "History of Election Results / Mayor Selection" document (*filed*) prepared by City Clerk Blackston reveals that every Council Member (with a few exceptions) became Mayor within their first term. The highest number of votes was not a consideration if a re-elected Council Member had already served as Mayor. This allows all Council Members an opportunity to serve as Mayor should they chose not to run for re-election.

Mayor Nakanishi pointed out that there are five Council Members with four-year terms, so it would be impossible for everyone to be given an opportunity to serve as Mayor during their first term. He stated that Council Member Pennino should not be denied the position merely because he served as Mayor previously. Mayor Nakanishi announced that he would nominate Council Member Hitchcock as Mayor Pro Tempore next year.

Council Member Land disagreed with the intimation that the position of Mayor is a "figurehead" position. He recalled that when he served as Mayor he attended over 500 meetings. He supported the nomination of Council Member Pennino as Mayor Pro Tempore, noting that his experience, knowledge, and wisdom make him an excellent choice for the position.

Council Member Howard reiterated her earlier comment that the Council should consider the traditional rotation that has taken place in the past, and allow each Council Member an opportunity to serve as Mayor Pro Tempore.

VOTE:

There being no further nominations, Mayor Nakanishi declared the nominations closed for the office of Mayor Pro Tempore. The above motion carried by the following vote:

Ayes: Council Members – Howard, Land, Pennino and Mayor Nakanishi  
Noes: Council Members – Hitchcock  
Absent: Council Members – None  
Abstain: Council Members – None

NOTE: Council Member Howard abstained from voting on this matter without stating a reason, and in accordance with Lodi Municipal Code Section 2.04.140, it was recorded as an affirmative vote.

K. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

L. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Howard introduced members of her family that were present. She thanked Stephen Mann for his devotion to the Council and the time he gave to the community. She also thanked the United Firefighters of Lodi for their endorsement.
- Council Member Land thanked Stephen Mann for his eight years of service to the City of Lodi. He congratulated Council Member Howard, and thanked his campaign committee, as well as Farmers and Merchants Bank and the Kiwanis Club of Greater Lodi. He introduced members of his family and friends that were present.
- Council Member Hitchcock introduced her mother and husband.
- Mayor Pro Tempore Pennino congratulated Council Member Howard, and then introduced his wife and son.
- Mayor Nakanishi welcomed Council Member Howard, and introduced members of his family that were present. He thanked Stephen Mann for his leadership, integrity and service to the City of Lodi. He reported that the City has reduced overall debt by more than \$100 million over the past five years due to the foresight of Electric Utility Director Vallow and City leaders. Lodi Electric Utility has flourished and the City could realize additional revenues, and frozen electrical rates, with possible reductions over the next few years. During 2001 Electric Utility will continue to improve and install street lighting and replace aging power lines throughout the community. Serious crimes are down almost 18% from five years ago. Five new Police Officers were added to form a Street Crime Unit. Cleanup of contamination has continued. The City of Lodi is prosperous and the future looks bright. The workforce is excellent, with dedicated employees and volunteers of a caliber that exceeds any city. The new Fire Station is scheduled to open next fall and a new Public Safety Building will be constructed. A Task Force is studying the feasibility of a new public swimming pool and a City Sports Complex is being considered. Mayor Nakanishi stated that he will have an open door policy and encouraged citizens to contact him with questions, needs, or concerns. He concluded by

*Continued December 6, 2000*

reading a quote from Abraham Lincoln: "Neither let us be slanted from our duty by false accusations against us, nor frightened from it. Let us have faith that right makes might, and in that faith, let us to the end, dare to do our duty as we understand it."

M. CLOSED SESSION

None.

N. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 7:55 p.m.

ATTEST:

Susan J. Blackston  
City Clerk